App F IX 4

Previous References (1941 / hl) File No 135-41

hl 135-41-5,9 Serial Nos. 27

I ater References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for May 42

SUBJECT

Amendment to rule 8 chap IV of the Jaffore city Municipal rules and bye-laws

28642

6467

General and Revenue Secretariat ME File No 135 of 1941/42 [App F III—2

Serial No	
	From the Odt, Cof ME el, Mysore No GT 2502/41-42 dy 24-4-42 forwards a copy of the resolution of the ME el dy 31-3-42 requesting reconsideration of the orders of Govt declining to sanction the proposal of the one el relating to the amendment of rules Chapter IV of the Rules & Bye Laws of the Mysore Cof ME Cf
"Q"	After due consideration Govt in their order No LJ 135-41-9 dy 28/2/42 have stated that Govt consider that there is no need to effect any change & that the proposal cannot be sanctioned subject to orders with the connected file
	Rule 8 of the rule of the Mysore S/S act 1914 - Page 30 chapter IV - runs as follows —
	"When the President, under Sec 24, delegates the supervision for Deptl & municipal administration to the Vice President it shall be presumed, in the absence of written instructions to the contrary, that all the powers & duties of the President in regard to that Deptt are delegated to the Vice President in

NOTE—Co tn sheet

WD 041 5—GI B—53 000—23-10-41

Serial No 20

By their letter no 534 dated 9 2 1942, the Government of India wanted to delete the words underlined in the above rule so as to take away the powers of the President to issue any written orders in regard to the powers delegated to the Vice President to be exercised by him. We declined to accept the proposal

3 The GOI have now requested a reconsideration of the above orders, based on the observations made by them

4 Section 24 quoted in the rules is a mistake for sec 25 of the GG Act 1935 The President could delegate his powers to the Vice President only under sec 25 of the GG Act 1935 or sec 21 (1) of the Act of 1933 It must be admitted that the authority which has the power to delegate certain powers to another person can certainly lay down the restrictions under which the powers can be exercised and has a right to issue orders cannot be taken away, irrespective of the fact whether there are general or special orders to this effect In this view, the contention of the GOI that the proposed amendment is intended to see that the delegated powers should not be subjected to any restrictions that may be imposed by the President cannot be accepted It is also difficult to see how the present rule is contrary to the provisions of the new Act

Grant Delegation to Rev Vice Adm —
Mysore Cdg Det

General and Revenue Secretariat | File No 6467/L of 194 [App F III-2

Serial No

DE OFFICE
15 MAY 1942
No 9914

Q

2861 DEPT
1 5 2
2710 MYSORE

OFFICE OF THE MINISTER
FJ L S C & P H
Dat 9 5 1942
No 7024

OFFICE OF THE MINISTER
FJ L S C & P H
Dat 16.5.1942
No 2333
NOTE—Cont Sheet

Sir the Cl requests to be informed how the proposed amendment would be carried into provisions of the Act. This is a matter of arrangement between the President & Vice President and which can be done if there is good will on both sides. The Hon'ble PM at a previous occasion was of opinion that there was no need to effect any change.

If approved, a reply will be sent to the effect that there are no reasons to reconsider the orders already passed in the matter. Law Secy 7/5/42

There are no reasons to reconsider the orders already passed.

Minister L S G) Hon 9/5/42 for Secy 13/5/42

Dewan) Hon 14/5/42 for

May be filed
MM
15/5/42

Minister L S G) Hon 16/5/42 for

for Chief Secy 22-5-42

WD 04155—GPB—55 000—23-10 41

File No of 194

General and Revenue Secretariat

Serial No

No CT 2502/41-42 6467 OFFICE OF THE MUNICIPAL COUNCIL MYSORE

Encl Encl cre

Date 23rd April 1942

From B S RAGHAVENDRA RAO, ESQ , M A (Hons)
~~M. NAVANEETHAM NAIDU Esq B A B L~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To H V Narayana Rao, Fsq ,B A ,LL B
Secretary to Government, Law Department,
BANGALORE

ML 135-41-27

SECY TO GOVT DEPT * 27 APR 1942 GOVT OF MYSORE

Sir,

Re Amending rule 8 Chapter IV of the Rules and Bye-laws

"Q" With reference to your letter No L 7848/Ml 135-41-9 dated 28th February 1942 re the above, I have the honor to state that the letter was placed before the Council at their meeting held on 31st March 1942 I enclose herewith the resolution passed by the Council requesting Government to reconsider the matter I request that orders of Government may kindly be obtained in the matter

I have the honour to be,
Sir,
Your most obedient servant,

B S Raghavendra Rao

PRESIDENT

KSR

File No

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 31st March 1942 at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Staram ah Esq B A B L *Vice President*
3 A Krishna Mu ty Esq
4 S Ling n a Esq
5 Chowdiah Esq
6 M K Linganna Esq B A LL.B
7 A N Suryanarayana Rao Esq
8 Mrs B Kameswaramma B A
9 Aga am Rangiah Esq
10 B Nar yanaswamy Esq B A B L
11 T Mariappa Esq B A LL B
12 M V Venkataramiah Esq
13 M S Na jappa Esq
14 G R Rangaswamiah Esq
15 E P Nanjappa Esq
16 Dr A J Ram L. M & S
17 G Janardan Naidu Esq
18 Patnam S eenivasasetty Esq
19 M R C Bas ppa Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 Mahomed Kh hlulla, Esq M A LL B
23 Haji M r Amiruddin Khuraishi Esq
24 B L. Maridand ah Esq
25 F C Devaraja Urs Esq

ABSENT

26 U L. Ramachandra Rao Esq
27 M C Mallappa Esq
28 T Narasimha Iyengar Esq B A B L
29 N Rajagopala Iyengar Esq B.A B L.
30 S A Kareem Esq
31 *Vacant*

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707 - Letter I o L 7848/ 1 135-41-9 dated 28-2-1942 from the Law Secretary to Governmen irtirating that there is no need to arend rule 8, Chapter IV of the rules and B e-laws of the I ysore Cit / unicipality as proposed in Council Resolution dated 9-2-42

Recorded with the following observation -

The Government be requested to kindly reconsider the matter in the light of the following observations and accord their kind approval to the proposed amendment of the rule in question

Amendment to rule VIII

The rule as it stands refers to section 24 of the old regulation Under Section 24 of the new act the President cannot delegate any powers On the other hand the Vice-President under Section 26 (2) can exercise such of the powers and perform such of the duties of the President as the President may from time to time depute to him in accordance with the general or special orders of the Government issued on this behalf The proposed amendment is to prevent the President issuing written instructions contrary to the delegated powers The existing bye-laws is therefore in contradiction with the act and not the proposed amendment The proposed amendment has no reference to the orders specific or general of the Government issued with reference to the delegation of powers (11)

Further the rule refers to the deputation of the supervision of a department or departments of the Municipal Administration to the Vice-President Under this rule independently of section 26 of the act, the President may delegate the supervision of a department or departments of the Municipal administration It is the object of this Council through this amendment to enunciate the principal that whenever a supervision of a section or a department of the Municipal administration should be delegated to the Honorary Vice-President by an official President the delegation should not be subjected to any restrictions that may be imposed by the President This rule again has been framed at a time when the Mysore Municipal Council had an official Vice-President subordinate to the President The amendment is therefore necessary in order to bring it on a line with the present act It is submitted this amendment is not in any way contrary to the provisions of the act The Municipal Council would request the Government to kindly point out how and in what respect this proposed amendment would be contrary to the provisions of the act

Proposed by Mr T Mariappa

Seconded by Mr B Narayanaswamy Iyengar

Copy

Pres Secy